IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 8017 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE D.N.PATEL

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

PINTUBEN TEJASBHAI PATEL

Versus

REGIONAL PASSPORT OFFICER

Appearance:

1. Special Civil Application No. 8017 of 2004

MR VIRENDRA BAHETI for Petitioner No. 1

MS PJ DAVAWALA for Respondent No. 1

RULE SERVED BY DS for Respondent No. 1

CORAM : HON'BLE MR.JUSTICE D.N.PATEL

Date of decision: 23/07/2004

ORAL JUDGEMENT

1. The present petitioner has preferred this petition under Article 226 of the Constitution of India, challenging mainly the allegations of the Regional Passport Officer, Ahmedabad, in issuance of a passport.

2. Learned advocate for the petitioner has drawn my

attention to Annexure-A whereby the respondent authority has pointed out to the petitioner that somewhere in the year 1991, the petitioner had applied for passport and this fact has been suppressed. While applying second time for a fresh passport upon representation, by the present petitioner to the respondent authority, ultimately, the penalty of Rs.1,000/-- was imposed and the same has been paid by the petitioner.

3. Learned advocate for the petitioner submits that inspite of payment of penalty, the respondent - authority has not issue a passport. On the contrary even in their communication dated 28th April, 2004, the respondent authority is insisting the detail of a passport issued in the year 1991. Learned advocate for the petitioner submits that in the year 1991, there was only an application filed through an Agent. Thereafter, neither the passport has ever been issued nor any communication has been received from the respondent authority, as to the number of passport etc. Therefore, in fact, the petitioner is having no details whatever with regard to a passport of the year 1991.

4. Looking to the aforesaid facts and circumstances of the case, this application is allowed. The respondent - authority is directed to take a decision on the application of the petitioner, either the grant or refusal thereof, by a speaking order upon the hearing the present petitioner. Rule is made absolute to the aforesaid extent. Direct service is permitted.

[D. N. Patel,J.]

(vijay)